Private Lunatic Asylums (Ireland) Bill.

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Clause.

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SCHEDULES.

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A

B I L L

TO

Alter and amend the Law relating to Private Lunatic Asylums in Ireland, and to make other and more suitable provision for paying patients. A.D. 1884.

WHEREAS by an Act passed in the thirty-eighth and thirty-ninth years of the reign of Her Majesty Queen Victoria it is provided that "the Private Lunatic Asylums (Ireland) Acts, 1842 "to 1874, as amended by this Act, shall, in so far as the same are "temporary in their duration, be and the same are hereby made "perpetual:" Preamble. 38 & 39 Vict. c. 67. s. 15.

And whereas it is expedient altogether to abolish private lunatic asylums kept by individuals for profit (in Ireland), and at the same time to make more suitable provision, in asylums specially provided for the purpose, for all insane persons who are able, either from their own resources or by their relatives or friends, to pay for support, maintenance, and medical care:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows:

1. This Act may be cited as the Lunatic Asylums (Ireland) Act, 1884. Short title.

2. The term "asylums" in this Act means asylums for pay-patients established under this Act. Interpretation.

The term "licensed house" means any house licensed for the reception of insane persons, in pursuance of the Private Lunatic Asylums (Ireland) Act, 1842, and the Lunatic Asylums (Ireland) Act, 1875, and kept by any person for private gain. 5 & 6 Vict. c. 123.

The term "the Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

The term "Lord Lieutenant in Council" means the Lord Lieutenant or other chief governor or governors of Ireland by and with the advice of Her Majesty's Privy Council in Ireland.

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A.D. 1884.

Commissioners of General Control, &c. appointed trustees for the purposes of Act.

3. *On and after the passing of this Act* the Commissioners of General Control and Correspondence, appointed under the Act 18 & 19 Vict. c. 109., for the superintending and directing the erection, establishment, and regulation of all asylums for the lunatic poor in Ireland, shall be trustees for the purpose of purchasing or providing, as herein-after mentioned, any buildings, lands, tenements, or hereditaments that may be necessary to provide suitable accommodation for the insane classes now confined in private licensed houses, or who may hereafter require to be placed in an asylum, and for repairing, enlarging, improving, upholding, and furnishing the same from time to time.

Lord Lieutenant in Council may order asylums for pay-patients to be provided.

4. *From and after the passing of this Act* it shall be lawful for the Lord Lieutenant in Council to order and direct that any number of asylums for pay-patients shall be provided or erected in such suitable localities as to the said Lord Lieutenant in Council shall seem expedient.

Money may be advanced by way of loan from Church surplus fund.

5. It shall be lawful for the Lord Lieutenant in Council, with the approval of the Lords Commissioners of Her Majesty's Treasury, to order and direct that such sum or sums of money shall be advanced, issued, and paid out of the Church surplus fund as shall be requisite for defraying the expenses of purchasing the necessary sites for erecting and furnishing such asylums, and supplying all requisites and appliances to fit them for the reception and treatment of patients, to such person or persons as shall be named in any such Order in Council, or into the Bank of Ireland to the credit of the Commissioners of General Control, to be by them paid and applied for the purposes aforesaid.

Commissioners of General Control, &c. may purchase premises and sites.

6. In each and every case in which an Order in Council for the provision or erection of an asylum for pay-patients shall have been made as aforesaid, and published in the Dublin Gazette, the said Commissioners for General Control shall have full power and authority to rent or purchase any houses, buildings, lands, tenements, or hereditaments, on the site or sites of which it shall be proposed to erect or establish such asylum; and any houses, lands, tenements, buildings, or hereditaments so rented or purchased shall and may be conveyed to the said Commissioners, or any three of them, and to their successors, in trust to and for the uses and purposes of the said asylum.

Lands Clauses Consolidation Act incorporated with this Act.

7. In order to enable the said Commissioners of General Control to purchase or provide the said buildings, lands, tenements, and hereditaments, the Lands Clauses Consolidation Act, 1845, shall

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be incorporated with this Act, except the clauses with respect to the purchase and taking of lands otherwise than by agreement.

How moneys may be provided in the first instance for maintenance of patients.

8. It shall be lawful for the Lord Lieutenant in Council, after any asylum provided, erected, or to be erected under this Act shall be fit for the reception of patients, with the approval of the Lords Commissioners of Her Majesty's Treasury, to order and direct that any sum or sums of money that may be required to make provision for their maintenance therein until such time as the funds derivable from the payments by or on behalf of the patients themselves become available, shall be advanced, issued, and paid from the same source and in the same manner as herein-before provided in regard to the expenses of erecting and furnishing such asylums.

Appointment of officers.

9. It shall and may be lawful for the Lord Lieutenant in Council to nominate and appoint such persons as he shall think fit and proper to be superintendent, resident physician and surgeon, visiting physician, chaplains, matron, clerk, storekeeper, or other officer of any and every such asylum, and to fix their salaries and allowances, and also to make, frame, and establish any rules and regulations which may be necessary or proper for the good conduct and management of the said asylums, and to prescribe the manner in which the accounts and all other necessary records not otherwise provided for by this Act shall be kept, and the forms in which statistical returns shall be furnished to the inspectors, and from time to time to revoke, alter, or amend such rules and regulations.

Repeal of 5 & 6 Vict. c. 123.

10. Whenever and as soon as it shall have been declared by order of the Lord Lieutenant in Council, which order shall be published in the Dublin Gazette, that sufficient asylum accommodation is provided under this Act for the inmates at present detained in private houses licensed under the Act 5 & 6 Vict. c. 123, the said Act shall be and the same is hereby repealed; and it shall not be lawful thenceforth to receive or detain any insane person in any such house.

Reception of patients under the approval of the Lord Lieutenant or Lord Chancellor.

11. Whenever an asylum erected under this Act shall be fit and ready for the reception of patients, the inspectors of lunatics shall, with the approval of the Lord Lieutenant, or, in the case of patients detained by order of the Court of Chancery, with the approval of the Lord Chancellor, direct the removal of any such patients from any house licensed under the Act 5 & 6 Vict. c. 123. to such asylum; and it shall be lawful for the said inspectors, or the officer or officers appointed by them for that purpose, with the approval of the Lord Lieutenant, to enter into such contract or agreement with the next friend or legal representative of the insane person as they may think fit, for the support, maintenance, and medical care of such person in such asylum.

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A.D. 1884.

Persons admitted into an asylum under this Act may, if not possessed of sufficient means, be removed to a district asylum.

38 & 39 Vict. c. 67. s. 16.

12. If it shall be found that any person received into an asylum under this Act is not possessed of sufficient means to pay the amount agreed upon for the support, maintenance, and medical care of such person, or if the relatives or friends who may have entered into any engagement to pay on behalf of such person fail to do so in due and proper time, it may be lawful for the Lord Lieutenant to order and direct that such person shall be removed to the district lunatic asylum established for the district to which it shall appear to the said Lord Lieutenant that the said person properly belongs, and to determine to which county or county of a city or town comprised in such district the maintenance of such person in the district asylum shall be charged; and every such person when so removed shall be regarded and treated in all respects as if he or she had been admitted into such asylum as an ordinary patient, and may be by the governors thereof discharged or placed under the care of relatives or friends in the same manner as any ordinary patient. Nothing in this clause shall prevent any property of the lunatic being made available for support and maintenance under the sixteenth section of the 38 & 39 Vict. c. 67.

Moneys received for the maintenance of lunatics to be a common fund.

13. The receipts from all the asylums provided, erected, or established under this Act shall be regarded as a common fund, out of which the establishment charges, cost of maintenance, repairs, additions, and all other working expenses shall be paid, the excess to be applied for paying off the original advances, with interest at per cent., made under the fifth section of this Act, in such manner as the Lord Lieutenant in Council, with the approval of the Lords Commissioners of Her Majesty's Treasury, may direct.

Application of surplus.

When a surplus is found to exist after payment out of the common fund of all expenses whatsoever, the charges for maintenance in the asylums provided, erected, or established under this Act shall be reduced to such an amount as will suffice to cover the working expenses, leaving a sufficient margin to meet contingencies.

Order and medical certificates for the admission of patients.

14. No person shall be received into or detained in an asylum under this Act without an order under the hand of the person by whose direction such insane person shall have been sent, which order shall be according to the form in Schedule A. annexed to this Act. Nor shall any person be received into or detained as aforesaid without the certificates of two medical practitioners duly qualified as physicians or surgeons, according to the form in Schedule B., who shall have separately visited and personally examined the patient not more than four clear days previous to such confinement. If from reasonable cause a patient cannot be examined by two medical practitioners previous to admission, the

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special circumstance that prevented such examination shall be stated, and a second certificate signed by some other medical practitioner, who shall have examined the patient within two clear days after admission, shall be given, and a copy thereof transmitted to the inspectors. The particulars to be entered in a book kept for the purpose, according to the form in Schedule C., which book shall not be available to any person but the chief officer, the physician or surgeon, the officer who keeps the register, any person authorised by the Lord Chancellor, and the inspectors or a person authorised by them.

Copy of order and medical certificates to be sent to inspectors.

A copy of the order and medical certificates shall be transmitted to the inspectors of lunatics within two clear days after the admission of a patient.

Register of discharges and deaths.

15. A register of discharges and deaths in the form according to Schedule D. shall be kept, and notice of the escape, removal, or death of every patient, with full particulars of the circumstances in each case, shall be transmitted to the inspectors in writing within two clear days after the event.

Medical journal.

A medical journal according to form in Schedule E. shall be kept.

Removal of patients when fit to be discharged.

16. When a patient is considered by the medical officers fit to be discharged, they shall record the fact in writing in the medical journal of the asylum, and the person who has signed the order for admission shall thereupon be required to remove the patient within four clear days.

If the person who has signed the order as aforesaid fails to remove the patient within the specified time, the chief officer of the asylum shall take such steps for the discharge of the patient as the circumstances of the case may seem to justify.

The person on whose authority a patient is confined may claim their release at any time.

The person who has signed the order for the admission of a patient, or anyone acting by the authority and on behalf of such person, may at any time, on application, obtain the release of the patient, provided the liabilities incurred for support and maintenance under the eleventh section of this Act have first been fully discharged.

Visitations and authority of inspectors. Annual reports to Lord Lieutenant and Lord Chancellor to be presented to Parliament.

17. Every asylum provided, erected, or established under this Act shall be visited by one of the inspectors of lunatics once at least in every three months, who shall exercise the same inspectorial functions in regard to it as are provided under the Act 8 and 9 Vict. c. 107. for all other institutions in which insane persons are located, and shall report annually to the Lord Lieutenant and the Lord Chancellor for the time being respectively on all matters relating to the asylums under this Act and their inmates, such reports, save in so far as they may refer to the private affairs or

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identity of any of the inmates, to be printed in the annual report of the inspectors to be presented to Parliament.

Inspectors to consider cases to which their attention may be drawn, and make entry in patients book.

18. The said inspectors respectively visiting any such asylum shall carefully consider and give special attention to the state of mind of any patient therein confined as to the propriety of whose detention he shall have cause to doubt, or as to whose sanity his attention shall be specially called by the patient or any other person, and shall, if he shall think the propriety of the detention of such patient requires further consideration, make a minute thereof in the patients book.

Inspectors may make special visits, and after two such visits may, subject to certain restrictions, liberate a patient.

19. Any such inspector, in case he shall doubt the propriety of the detention of any patient under this Act, shall make a special visit to such patient, accompanied by the medical officer, or, if more than one, the principal medical officer of the nearest district lunatic asylum, on such day and hour as he shall think fit; and if after two distinct and separate visits so made it shall appear that such person is detained without sufficient cause, they may give such orders as to them shall seem meet for the discharge of such person at such time as the circumstances of the case may seem to justify: Provided always, that the result of each special visit shall be entered in writing in the patients book; and such entry, and also the order for discharge, shall be signed by such inspector and medical officer: Provided also, that each of such special visit must be by the same inspector and medical officer.

Notice of special visits.

20. Provided also, that not less than *fourteen days* shall intervene between the first and second of such special visits, and that such inspector shall, previous to the second of such special visits, give not less than *ten days* notice thereof to the person by whose authority such patient was received into the asylum or is then detained therein, such notice to be by letter, signed by such inspector.

Insane persons not to be received into a private house, with certain exceptions.

21. No person, except a guardian or relative, who does not derive any profit from the charge, or a committee appointed by the Lord Chancellor, or a person with whom such insane person shall be placed by such committee, shall, under pain of being deemed guilty of misdemeanour, receive to board or lodge in any private house or take the care or charge of any insane person, after the Act 5 & 6 Vict. c. 123. shall have been repealed under this Act.

In every case in which an insane person shall be received or taken charge of by such guardian, relative, or committee, medical certificates according to Schedule B. shall be obtained by the

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person in charge of the lunatic, copies of which, together with a statement of particulars according to Schedule A., shall be transmitted to the inspectors within *four clear days* after the medical certificates have been signed. In no case shall more than one person (except insane members of the same family) be so received or taken charge of. The inspectors shall exercise the same powers in regard to such patients as they possess in regard to other insane persons under this Act.

Inspectors may summon witnesses.

22. For the better enabling the said inspectors to inquire into the several matters and things by this Act referred to them, it shall be lawful for the said inspectors or either of them, from time to time, as they respectively shall see occasion, to require by summons, according to the form in Schedule F. annexed to this Act, any person to appear before them or either of them to testify the truth touching any matters relating to the execution of the powers given by this Act, on oath or affirmation, which oath or affirmation either of the said inspectors is hereby empowered to administer.

Penalties for giving false evidence, &c.

23. If any person, upon any examination under the authority of this Act, shall wilfully give false evidence, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall refuse or wilfully neglect to attend in obedience to any such summons, or to give evidence, when duly summoned, every person so offending shall be deemed guilty of a misdemeanor.

Service of summons.

24. The delivery of any summons authorised to be issued by any inspector under this Act to any party to whom such summons shall be directed, or at his place of abode, to his wife, or to any child or servant of such party, being of the age of sixteen years or upwards, shall in all cases be deemed good and sufficient service of such summons.

Penalties recoverable by civil bill.

25. Every pecuniary penalty imposed under or by virtue of this Act may be recovered by civil bill by any person who shall sue for the same.

Asylums not kept for profit exempted from operation of Act.

26. Nothing in this Act contained shall extend to any institution for the insane supported wholly or in part by voluntary contributions, and not kept for profit by any private individual; but the inspectors shall have full power to visit, inspect, and report on such institutions, and to call for all such information and returns in regard to them and their inmates as they may deem necessary.

Lord Chancellor's authority unaffected.

27. This Act shall not in any way interfere with or affect the authority vested in the Lord Chancellor under the provisions of the Lunacy Regulation (Ireland) Act, 1871.

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A.D. 1884.

SCHEDULES.

SCHEDULE A.

Sir,

Upon the authority of the following statement, and the annexed medical certificates, I request you will receive the said as a patient into asylum.

I am, Sir,

Your obedient servant,

Name - - - - - _____

Occupation (if any) - - - _____

Place of abode - - - - _____

Degree of relationship (if any) to the insane person - - - - - _____

To _____

Statement of Particulars.

If any particulars in this statement be not known, the fact to be so stated.

1. Name of patient with Christian name at length - - -
2. Sex and age - - -
3. Married, single, or widowed -
4. Condition of life and previous occupation (if any) - -
5. Religious persuasion so far as known
6. Previous place of abode - -
7. Place where found and examined -
8. Whether first attack - -
9. Age (if known) on first attack -
10. When and where previously under care and treatment -
11. Duration of existing attack -
12. Supposed cause - - -
13. Whether subject to epilepsy -
14. Whether suicidal - -
15. Whether dangerous to others -
16. Whether found lunatic by inquisition, and date of commission or order for inquisition -
17. County and parish to which the lunatic belongs - -

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18. Special circumstances (if any) preventing the patient being examined before admission separately by two medical practitioners - - -

19. Christian name and surname and place of abode of nearest known relative of the patient, and degree of relationship, if known, and whether any member of patient's family is known to be or to have been insane - - - -

I certify that to the best of my knowledge the above particulars are correctly stated.

Dated this day of one thousand eight hundred and .

Name
Occupation (if any)
Place of abode
Degree of relationship or other circumstances of connexion with the patient - -

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SCHEDULE B.

I, the undersigned, hereby certify, that I separately visited and personally examined the person named in the annexed statement and order, on the day of one thousand eight hundred and and that the said is of unsound mind, and a proper person to be confined.

(Signed) Name - - - - _____
Physician or surgeon - - _____
Place of abode - - - _____

I, the undersigned, hereby certify, that I separately visited and personally examined the person named in the annexed statement and order, on the day of one thousand eight hundred and and that the said is of unsound mind, and a proper person to be confined.

(Signed) Name - - - - _____
Physician or surgeon - - _____
Place of abode - - - _____

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SCHEDULE C.

Register of Patients.

No. in Order of Admission.	Date of Admission.	Christian and Surname at Length.	Sex.		Age	Condition as to Marriage.			Religion.	Condition of Life, and previous Occupation.	Previous Place of Abode.	County and Parish to which belonging.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Form of mental Disorder.	Supposed Cause of Insanity.	Bodily Condition, and Name of Disease, if any.	Epileptics	Congenital Idiots.	Duration of existing Attacks.			Number of previous Attacks.	Age on first Attack.	Date of Discharge or Death	Discharged			Died.	Observations
			M.	F.		Married.	Single	Widowed.												Years.	Months	Weeks.				Recovered.	Relieved.	Not improved.		
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	2																													
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SCHEDULE D.

Register of Discharges and Deaths.

Date of Discharge or Death.	Date of last Admission.	No. in Register of Patients.	Christian and Surname at Length.	Sex.		Discharged.						Died.		Assigned Cause of Death.	Age at Death		Observations.
						Recovered		Relieved		Not improved							
				M	F.	M.	F.	M	F	M.	F	M	F.		M.	F.	

SCHEDULE E.

Form of Medical Journal.

Date.	Number of Patients.		Names of Patients under Restraint, and by what Means; and under Seclusion, and for what Period.		Names of Patients under Medical Treatment.		Report on State of Health of Patients, and Condition of Asylum.
	M.	F.	Males.	Females.	Males.	Females.	

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SCHEDULE F.

Form of Summons.

We, whose names are hereunto set and seals affixed, being inspectors, *or* an inspector, appointed under an Act passed in the year of the reign of intituled "An Act to alter and amend the Law relating "to private Lunatic Asylums in Ireland," do hereby require you personally to appear before us, *or* me, at in the parish of in the county of on next the day of at the hour of in the noon of the same day, then and there to be examined, and testify the truth touching certain matters relating to the execution of the said Act.

Given under our hands this _____ _____
in the year of our Lord _____

To _____

Private Lunatic Asylums (Ireland).

A

B I L L

To alter and amend the Law relating to Private Lunatic Asylums in Ireland, and to make other and more suitable provision for paying patients.

(Prepared and brought in by Mr. William Corbet, Mr. Blake, Mr. Dillwyn, Mr. Dawson, and Mr. Richard Power.)

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